

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

IN RE:

COSETTA JOHNSON FOSTER

DEBTOR(S)

CASE NO. 16-70058-JHH-13
CHAPTER 13

**JOINT STIPULATION OF POST-PETITION PAYMENTS DUE
REGARDING PROOF OF CLAIM 003**

Comes now U.S. Bank Trust National Association, as Trustee of the Bungalow Series III Trust, (hereinafter "Creditor"), by and through its counsel of record, Mark A. Baker and Cosetta Johnson Foster (hereinafter "Debtor"), by and through her counsel of record, J. Suzanne Shinn, and file this Joint Stipulation of Post-Petition Payments due regarding Proof of Claims 003 and 005. The Parties hereby stipulate as follows:

1. The Creditor holds a mortgage lien on the principal residence of the debtor, commonly referred to as 3723 Diamondhead Lane, Northport, Alabama, 35473-2254, and more particularly described by Proof of Claims 003 and 005 and the attachments thereto.
2. On September 30, 2016, Nationstar Mortgage LLC filed Proof of Claim 005 for post-petition arrears in the amount of \$4,368.52. As evidenced by the Trustee's Interim Statement and by Part Two of the Amended Response to Notice of Final Cure Payment filed by the Creditor, the post-petition amount due and evidenced by Proof of Claim 005 has been satisfied and paid in full.
3. On May 5, 2016, Nationstar Mortgage LLC filed Proof of Claim 003 for pre-petition arrears in the amount of \$8,031.61. As evidenced by the Trustee's Interim Statement

- and by Part Two of the Amended Response to Notice of Final Cure Payment filed by the Creditor, the pre-petition amount due and evidenced by Proof of Claim 003 has been satisfied and paid in full.
4. On September 19, 2018, the Court entered an Order granting Debtor's Motion to Approve Loan Modification Agreement. (Doc. 38).
 5. On May 13, 2019, the Court entered an Order on Debtor's Objection to Claims 003 and 005. (Doc. 53).
 6. On April 9, 2020, Movant filed a Response to Notice of Final Cure regarding Claim 003, which was inaccurate because it included sums that would have been due had a proper and timely Notice of Mortgage Payment Change been timely filed. If such a Notice of Mortgage Payment Change had been timely filed, it would have reflected a lower payment amount due in the amount of \$1,094.29 for August 1, 2018 through July 1, 2019 and \$1,089.68 for August 1, 2019 through June 1, 2020.
 7. Accordingly, on June 18, 2020, Creditor filed an Amended Response to Notice of Final Cure to reflect the actual payment amounts due because a proper Notice of Payment Change had not been filed, and which also included sums advanced for taxes and insurance by Creditor in the amount of \$5,764.23.
 8. On June 18, 2020 Creditor filed an Affidavit, which included a reconciliation of all sums due from August 1, 2018 through June 1, 2020, including the advances for taxes and insurance.
 9. The Affidavit provides that Creditor "waives any difference in the increase in the payment amount stated per the Amended Response[s] to Notice of Final Cure as

opposed to the Responses to the Notice of Final Cure through the date of discharge in this case.”

10. Creditor and Debtor agree that the payment amount from August 1, 2018 through July 1, 2019 was \$1,094.29 and \$1,089.68 for August 1, 2019 through June 1, 2020.

Creditor and Debtor agree that a financial waiver is not taking place, but instead the above payment amounts control over the prior payment amount of record.

11. The Parties have compared payment information and agree that as of June 18, 2020, the amount necessary to cure all outstanding amounts due, including any and all payments, late fees, corporate advances, escrow shortages, attorney fees, other fees and costs associated with this loan and Proof of Claim 003 is \$29,838.61.

12. The Parties agree that the \$29,838.61 shall be excepted from discharge.

Respectfully stipulated to and submitted this the 2nd day of July 2020.

/s/ J. Suzanne Shinn

J. Suzanne Shinn (ASB-9741-N44J)

Attorney for Debtor(s)

Bond, Botes, Reese & Shinn, P.C.

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Respectfully stipulated to by counsel for Creditor this the 2nd day of July 2020.

/s/ Mark A. Baker

Attorney for Creditor (BAK009)(ASB 2549 E57M)

McMichael Taylor Gray, LLC

3550 Engineering Drive, Suite 260

Peachtree Corners, GA 30092

Telephone: 404-474-7149

Email: mbaker@mtglaw.com

CERTIFICATE OF SERVICE

I hereby certify in accordance with Fed. R. Bankr. P. 4001(a), 9014, and 004004, that a copy of the above and foregoing was mailed, first class postage prepaid to the following:

Cosetta Johnson Foster
3723 Diamondhead Lane
Northport, AL 35473-2254

And served via electronic case management to:

Mark A. Baker
Counsel for Creditor
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C. David Cottingham
Standing Chapter 13 Trustee
P.O. Drawer 020588
Tuscaloosa, AL 35402-0588
Telephone: 205-00458-8595
dcottingham@ch13tuscaloosa.com

This the 2nd day of July 2020.

/s/ J. Suzanne Shinn
J. Suzanne Shinn (ASB9741-N44J)
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